

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

NEXT Payment Solutions, Inc.,	)	
	)	
Plaintiff,	)	Case No. 1:17-cv-08829
	)	
vs.	)	Honorable Ruben Castillo
	)	
CLEAResult Consulting, Inc.,	)	
	)	
Defendant.	)	

**MOTION FOR LEAVE TO FILE UNDER SEAL UNREDACTED MOTION  
TO COMPEL COMPENSATION OF PLAINTIFF’S EXPERTS DEPOSED  
BY CLEAResult PURSUANT TO F.R.CIV. P. 26 (B) (4) (E)  
AND EXHIBITS IN SUPPORT**

NEXT Payment Solutions, Inc. (“NEXT”) by and through its attorneys and, pursuant to Local Rule 5.8, moves for leave to file the following documents under seal in support of NEXT’s Motion to Compel CLEAResult, Inc. (“CCI”) to Compensate NEXT’s experts deposed by CCI.

On January 18, 2019, Plaintiff’s filed their Redacted Motion to Compel Compensation of Plaintiff’s Experts deposed by CLEAResult and Exhibits in Support, except those Exhibits NEXT seeks to file Under Seal, which are not redacted as the bulk of the information on the exhibits is protectible. Thus, NEXT seeks leave to file the following documents under seal:

1. Plaintiff’s **Unredacted** Motion to Compel Compensation of Its Experts which identifies hourly rates of Its experts which are deemed proprietary information of Plaintiff’s Expert’s Firms, Defendant’s experts and third party experts that are not readily ascertainable or generally known and can be deemed trade secret information that may be filed under seal. *Strait v. Belcan Engg Grp., Inc.*, 2012 WL 2277903, at \* 1 (N.D. Ill. June 18, 2012).
2. The Invoices of Plaintiff’s Experts contain billing rates set for Plaintiff’s Experts by the companies for whom they provide expert services and are not generally known or readily ascertainable and, thus, constitute trade secrets of Global Economics and Quandary Peak that can be maintained under seal. *Strait v. Belcan Engg Grp., Inc.*, *supra*. (See Exs. 4 (a), 4 (b) and 5 (a)). These billing rates also appear in Plaintiff’s Expert reports (Exs. 13, 18), in the Declarations of Plaintiff’s Experts Dr. Valerdi (Ex. 17) and Mr. Snell (Ex. 21) and

in the expert report of Defendant's Expert, Todd Scheottelkotte (Ex. 22).

3. The expert reports of Plaintiff's Experts and Deposition of Plaintiff's Experts (Ex. 13-16 for Dr. Valerdi) contain confidential protected trade secret information of NEXT and (Exs. 18-20 for Mr. Snell) contain confidential financial information of NEXT and CCI that is protected proprietary and trade secret information. *Strait v. Belcan Engg Grp., Inc.*, *supra*.

On May 16, 2018, this Court entered a Protective Order in this case. (Dkt. 74). All of the documents cited in the documents listed above have been marked confidential under the Protective Order and/or by designation of CCI. Pursuant to Local Rule 26.2 and fall into the trade secret and proprietary financial information that is to remain **under seal**.

WHEREFORE, for the reasons set forth above, NEXT respectfully requests that this grant its motion for leave to file under seal 1) an unredacted Motion to Compel compensation of its experts; 2) Exhibits 4 (a), 4 (b) and 5 (a), NEXT's Experts' invoices; 3) Exhibits 13-22 which are Confidential Expert Reports, Depositions and Declarations setting forth confidential expert hourly rates be granted.

Dated: January 18, 2019

RESPECTFULLY SUBMITTED,  
NEXT PAYMENT SOLUTIONS, INC.

By: /s/ Susan Bogart  
Law Offices of Susan Bogart  
70 West Madison St., Ste. 1400  
Chicago, IL 60602  
Sbogart514@aol.com  
sbogart@susanbogart.com  
Tele: (312) 214-3271

Eric C. Cohen  
Brinks Gilson & Lione  
455 N. Cityfront Plaza Drive, Ste 3600  
Chicago, IL 60611  
eccohen@brinksgilson.com  
Tel: (312) 321-4200  
Attorneys for Plaintiff